

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALEXANDRIA ELIAS, ROXANNE SCHER,	:	
DOLORES BAEZ and JENNIFER TOSI,	:	
on behalf of themselves and all others	:	Civil Action No.: 06-2448(KSH)
similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
UNGAR'S FOOD PRODUCTS, INC.,	:	
d/b/a DR. PRAEGER'S SENSIBLE FOODS	:	NOTICE OF
and SENSIBLE FOODS LLC d/b/a,	:	PENDENCY OF CLASS ACTION
DR. PRAEGER'S SENSIBLE FOODS,	:	
	:	
Defendants.	:	

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

TO: All persons in the United States who purchased Dr. Praeger's Frozen California Veggie Burgers, Tex-Mex Veggie Burgers, Broccoli Pancakes, Potato Pancakes, and Spinach Pancakes from May 30, 2000 through August 31, 2007.

PLEASE TAKE NOTICE that a class action lawsuit, which may affect your rights, is pending in the United States District Court for the District of New Jersey (the "Court"). The lawsuit is brought against Ungar's Food Products, Inc., d/b/a Dr. Praeger's Sensible Foods, and Sensible Foods LLC, d/b/a Dr. Praeger's Sensible Foods, ("Defendants"). The Court has certified this lawsuit under Federal Rule of Civil Procedure 23 (b)(3) to proceed as a class action.

At this time, the Court has expressed no opinion about who is right or wrong, but your legal rights may be affected when the Court reaches a decision in the case.

This notice has been given to you because you may be a member of the Class and your rights may be affected by this lawsuit. This class action notice describes your rights as a potential Class member and what you must do to protect them.

THE PURPOSE OF THIS NOTICE IS TO INFORM YOU THAT:

On June 30, 2008, the Court certified this lawsuit as a class action with respect to Plaintiffs' claims that Defendants violated the New Jersey Consumer Fraud Act and breached express warranties. The defendants have denied plaintiffs' allegations, have denied that they are liable to the plaintiff in any way, and have asserted defenses to plaintiffs' claims.

Class actions are lawsuits in which the claims and rights of many people may be determined in a single lawsuit. Representative plaintiffs called "class representatives" are named in the lawsuit to assert claims on behalf of the entire class. This avoids the necessity for numerous people to file similar individual lawsuits, and enables the court system to resolve the claims of numerous people efficiently and economically. In a class action, the court is the guardian of class interests and supervises class counsel's prosecution of class claims to assure that the representation is fair.

In this case, the Class is defined as follows: All persons in the United States who purchased Dr. Praeger's Frozen California Veggie Burgers, Tex-Mex Veggie Burgers, Broccoli Pancakes, Potato Pancakes, or Spinach Pancakes (the "Products") from May 30, 2000 through August 31, 2007.

You have the right to exclude yourself from the Class. This is sometimes referred to as "opting out." If you wish to opt-out, you MUST follow the procedures described in Paragraph 11 below. If you wish to remain in the Class you do NOT need to do anything at this time. However, if you do not opt-out, you also have the right to appear in the class action through your own attorney or through Class Counsel.

Class Members will be represented by the Class Representatives and Class Counsel listed in Paragraph 7 below. Those who opt-out may pursue individual claims at their own expense, and will neither benefit from nor be bound by the outcome of this lawsuit.

Class Members will be notified and have an opportunity to be heard regarding any settlement of their claims, and any request by Class Counsel for fees or costs. Likewise, Class Members will be notified of any judgment affecting their claims.

DESCRIPTION OF THE CASE

1. This class action is pending before the Honorable Katharine S. Hayden in the United States District Court for the District of New Jersey ("District Court") as Elias, et al. v. Ungar's Food Products, Inc., et al. The action is brought by four consumers who purchased and consumed certain frozen food products the defendants manufactured, distributed and sold. The District Court has certified the case as a class action on behalf of all persons in the United States who purchased Dr. Praeger's Frozen California Veggie Burgers, Tex-Mex Veggie Burgers, Broccoli Pancakes, Potato Pancakes, and Spinach Pancakes from May 30, 2000 through August 31, 2007.

2. Plaintiffs have alleged on behalf of themselves and members of the Class that the following statements that appeared on the packaging of certain products defendants sold from May 30, 2000 through August 31, 2007 were false in the following way:

(a) The packaging for Dr. Praeger's Veggie Burgers states that the products contained 4 grams of fat and 92 calories per serving, when in fact, Dr. Praeger's Veggie Burgers contained nearly 9 grams of fat and almost 160 calories per serving.

(b) The packaging for Dr. Praeger's Broccoli Pancakes states that the product contained 2 grams of fat and 40 calories per serving, when in fact Dr. Praeger's Broccoli Pancakes contained nearly 4 grams of fat and more than 60 calories per serving.

(c) The packaging for Dr. Praeger's Potato Pancakes states that the product contained 2.5 grams of fat and 50 calories per serving, when in fact, Dr. Praeger's Potato Pancakes contained nearly 5 grams of fat and almost 80 calories per serving.

(d) The packaging for Dr. Praeger's Spinach Pancakes states that the product contained 2 grams of fat and 40 calories per serving, when in fact, Dr. Praeger's Spinach Pancakes contained more than 4 grams of fat and more than 60 calories per serving.

3. Plaintiffs seek damages and injunctive relief but have not asserted any claims for personal injuries.

4. By issuing this Notice the Court is not suggesting that plaintiffs' claims will succeed. Defendants have denied all of Plaintiffs' claims and maintain that they have complied with all applicable laws and regulations regarding the Nutrition Facts information on the packaging of the Products. Whether or not the plaintiffs are able to prove their claims will be decided at trial.

ORDER GRANTING CLASS CERTIFICATION

5. The Court's June 30, 2008 class certification order is procedural in nature, and there has been no determination of the merits of Plaintiffs' claims. Certification of this class means that this case may be litigated as a class action and that the Representative Plaintiffs may prosecute this lawsuit on behalf of and for the benefit of all Class Members through Class Counsel. Class Members are not typically asked to participate in the case, and you will not be required to do so to receive an award. However, it is possible that the parties will seek information from you. For example, it is possible Class Members may be interviewed or may be called to testify at deposition or trial. Class Members may also be asked to complete and mail a "proof of claim" form at the conclusion of this case if plaintiffs prevail.

THE CLASS REPRESENTATIVES AND CLASS COUNSEL

6. If you are a member of the Class and do not opt-out, your rights and interests in this lawsuit will be represented by the four Class Representatives and by Class Counsel identified below:

Class Representatives

- (1) Alexandria Elias
- (2) Roxanne Scher

- (3) Dolores Baez
- (4) Jennifer Tosi

Class Counsel

Charles P. Greenman, Esq.
Matthew J. Aaronson, Esq.
Clement H. Berne, Esq.
TROUTMAN SANDERS LLP
The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102
(973) 645-0772

7. Class Counsel has agreed to represent the Class on a contingent fee basis. This means that the attorneys for the class will only be compensated if the plaintiffs prove their claims. If the plaintiffs prove their claims, then the attorneys for the class may ask the Court to award the attorneys fees and costs. The amount of compensation, if any, is decided by the Court. If the Court grants a request for fees and costs, then money for these things may be deduced from funds that the class may obtain. At no time will you be personally obligated to pay any litigation expenses or costs to Class Counsel. If you have your own attorney, then you may choose to have that attorney represent you in this case by filing an appearance on your behalf as a Class Member or if you opt-out of this lawsuit, you may file your own separate lawsuit.

8. If you remain in the Class, and the defendants are found liable, then you will have the right to share in any monetary recovery that may be awarded, minus the costs of prosecuting the class action and any attorney's fees and expenses awarded by the Court.

YOUR OPTIONS AS A POTENTIAL CLASS MEMBER

9. This case was certified by the Court as an "opt-out" class. If you fit the above description of a Class Member, then you have a choice of staying in the Class or electing to "opt-out." You may opt out of the Class if you wish to seek recovery from Defendants for personal injuries allegedly suffered as a result of the actions that are the subject of this lawsuit or for any other reason. Either choice has certain risks and consequences, which you should understand before making your decision. If you want to remain in the Class, you do not need to take any affirmative action at this time, and, if you do not opt-out, the lawsuit will continue to be prosecuted on your behalf, and whether the result is favorable or unfavorable, you will be bound by that result. You will also be notified regarding any settlement or trial result, and of all judgments affecting your interests.

10. If you wish to be excluded from the Class, that is to "opt-out" of the Class, any judgment or result of this action will not bind you and you will retain any claims you may have against the Defendants that are subject to this proceeding. However, you will not share in any recovery in this lawsuit if the Representative Plaintiffs prevail on their claims at trial or settle with Defendants. TO "OPT-OUT" YOU MUST send a letter setting forth your name, present address and a simple statement that you wish to be excluded from this lawsuit. You must send this letter by

United States First Class Mail to: Troutman Sanders LLP, Attention Matthew J. Aaronson, The Legal Center, One Riverfront Plaza, Newark, New Jersey 07102. If you do not request exclusion by letter postmarked on or before January 5, 2009, you will be included in the class. Late "opt-outs" will not be effective.

AVAILABILITY OF FILED PLEADINGS

11. The public records of all pleadings and papers filed in this class action are available for your inspection at the United States District Court for the District of New Jersey, during regular business hours. In addition, certain pleadings filed in this case, such as the Amended Complaint and Defendants' Answer, as well as selected other papers filed with the Court may also be reviewed at and downloaded from the website set up by Class Counsel in this case, www.drpraegersclassaction.com ("Class Website"). DO NOT TELEPHONE OR WRITE THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY OR THE HONORABLE KATHARINE S. HAYDEN.

CLASS MEMBER INQUIRIES

12. Any inquiries by Class Members concerning this Notice or the Class Action should be directed, by telephone, in writing or via the Class Website, to Class Counsel identified in Paragraph 6 above.

BY ORDER OF THE DISTRICT COURT

DATED:

Sept. 22, 2008


HONORABLE KATHARINE S. HAYDEN
UNITED STATES DISTRICT JUDGE